

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 484 – HB 1158

March 7, 2011

SUMMARY OF AMENDMENT (004594): Adds health maintenance organizations, preferred provider organizations, hospital and medical service corporations, and university medical schools or health science centers to the list of health care organizations. Includes medical resident physicians, interns, and fellows participating in a training program of one of the accredited medical schools or of one of such medical school's affiliated teaching hospitals in Tennessee under health care providers. Adds additional functions to the Quality Improvement Committees (QIC). Adds incident reports, evaluations, critiques, test results, corrective actions, disciplinary actions, and any patient safety work product as defined in § 921 of the Patient Safety and Quality Improvement Act of 2005, P.L. 109-41, as amended, to the list of records of a QIC that are confidential, privileged, and protected from direct or indirect means of discovery, subpoena or admission into evidence in any judicial or administrative proceeding. Exempts any person who supplies information, testifies or makes statements as part of a QIC from any requirements to provide information as to the information, testimony or statements provided to or made before such a committee, if made or taken in good faith and without malice and on the basis of facts reasonably known or reasonably believed to exist.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

- The Department of Health is not involved in the peer review activities described in the proposed legislation.
- Under current law (Tenn. Code Ann. § 63-6-219), immunity is provided to peer review committees relative to their review, discipline, and education of professionals and to individuals who provide information to the committee only relative to a physician's competence and professional conduct. The proposed legislation would extend that immunity to all individuals and committee members who provide any information to the committee.

- Code of Federal Regulations Title 42, Part 483.75(o)(3), concerning facility quality assurance and assessment committees, prohibits a state or the secretary from requiring disclosure of the records of such committees. As a result of the current federal exemption of committee records from disclosure, the proposed legislation will not have a significant regulatory or fiscal impact to the state.
- The proposed bill as amended expands the list of records of a QIC that are exempt from disclosure requirements, expands the functions of a QIC, and expands the list of health care organizations. These will not result in a significant regulatory or fiscal impact to the state.
- The proposed legislation will not result in a significant administrative or regulatory impact to the Board of Medical Examiners.
- Pursuant to Tenn. Code Ann. § 4-3-1011, all health-related boards are required to be self-supporting over a two-year period. As of June 30, 2010, the Board had a balance of \$890,444.43.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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